

CUSTOMER NO.: 24498
Serial No.: 10/518,278
Final Office Action dated: 10/15/08
Response dated: 01/15/09

PATENT
PU020290

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Remarks/Arguments

JAN 15 2009

Introduction

The Final Office Action mailed on October 15, 2008 has been reviewed and carefully considered. Claims 5, 6, 8 and 10 have been amended. Claims 7 and 9 have been canceled without prejudice. No new matter has been added. Claims 1-6, 8 and 10-16 are pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested. It should be noted that the Applicant is not conceding in this application that the amended claims in their prior form are not patentable over the art cited by the Examiner, as the present claim amendments have been made only to facilitate expeditious prosecution of the application. The Applicant respectfully reserves the right to pursue these and other claims in one or more continuation and/or divisional patent applications.

Initially, with respect to the Examiner's indication that Figure 3 is missing from the record, the Applicant requests that a sheet corresponding to Figure 3 be added to the pending application. Support for the amendment may be found in the original application, for example, at p. 2, lines 29-30 and p. 9, line 18 to p. 10, line 28.

Claim Rejections

Claims 1, 2 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shuhholm (U.S. Patent No. 6,104,997) (hereinafter 'Shuhholm') in view of Cooper et al (U.S. Patent No. 5,550,594) (hereinafter 'Cooper') and Watanabe et al. (U.S. Pg. Pub 2002/0031148) (hereinafter 'Watanabe'). Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shuhholm in view of Cooper and Watanabe as applied to claim 1, in further view of Lydon et al. (US Patent No. 6,680,939) (hereinafter 'Lydon'). Claims 5 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lydon, in view of Shuhholm and Watanabe. Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lydon in view of Shuhholm in further view of Donak et al. (U.S. Patent No. 6,330,316) (hereinafter 'Donak'). Claims 8 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shuhholm in view of Watanabe. Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shuhholm and Watanabe in further view of Cooper. Claim 12 stands rejected under 35 U.S.C. §103(a) as being

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unpatentable over Shuholm in view of Cooper and Watanabe, in further view of Bytheway. Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lydon in view of Shuholm and Watanabe, in further view of Bytheway. Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shuholm in view of Watanabe, in further view of Bytheway.

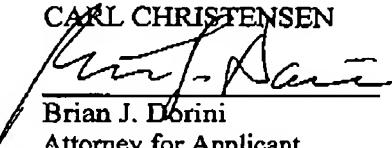
As agreed in the interviews conducted between the Examiner and David Zivan, Reg. No. 59,159, on January 12, 2009, claim 1 is allowable over the cited references, as the references do not teach or render obvious both clauses (2) and (3) recited in claim 1. In addition, it is respectfully submitted that claims 5 and 8 are patentable over the cited references at least because the claims include similar, relevant features discussed above with regard to claim 1. Further, it is also respectfully submitted that claims 2-6 and 10-16 are patentable due at least to their dependencies on claim 1, 5 and 8. Accordingly, it is respectfully asserted that all pending claims are allowable over the cited references.

In view of the foregoing, the Applicant respectfully requests that the rejections of the claims set forth in the Final Office Action of October 15, 2008 be withdrawn, that pending claims 1-6, 8 and 10-16 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Applicant's representatives' Deposit Account No. 07-0832.

Respectfully submitted,

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BJD:pdf

Attachment - New Drawing Sheet 3 of 3

Patent Operations
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January 15, 2009

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Amendment to the Drawings

Please add the drawing sheet corresponding to Figure 3, submitted herewith, to the pending application.